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Agenda item 71 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Letter dated 24 October 2005 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

I wish to refer to the report of the Secretary-General on the situation of human rights in Myanmar (A/60/422) dated 10 October 2005, which came out only a few days ago. The report stated that it is based upon the good offices efforts undertaken by the Secretary-General and his Special Envoy aimed at facilitating national reconciliation and democratization in Myanmar, in accordance with General Assembly resolution 59/263 of 23 December 2004.

The report that came out contains important factual errors and goes far beyond parameters mandated by General Assembly resolution 59/263. The political development in Myanmar falls entirely under the domestic jurisdiction of my country and the report that is submitted to the General Assembly must be within the bounds of what the General Assembly in its resolution has requested.

The main thrust of the report seems to call into question the National Convention process, the first important step of the seven-point political road map for transition to democracy. It is the very road map that the Association of Southeast Asian Nations (ASEAN), together with its three dialogue partners, China, Japan and the Republic of Korea, has characterized as a "pragmatic approach deserving understanding and support".

The Government of Myanmar places special importance on the National Convention process, which will lay down the basic principles to be included in the new State constitution. The report stressed the importance of inclusiveness and regretted that the National Convention does not include representatives from the National League for Democracy (NLD) and the Shan Nationalities League for Democracy. It failed to mention however that the Government invited the representatives of these two political parties and that they declined to participate. Here I wish to call to your attention the importance of the participation of over one hundred representatives from the 17 armed groups in the National Convention process and that, in addition to these representatives, out of a total number of 1,086

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delegates in the National Convention, 633 are from the ethnic national groups. All 17 armed groups and not 16 as mentioned in the report are continuing their cooperation with the Government. The report mentioned that the Shan State National Army (SSNA) has withdrawn from the ceasefire agreement. On the contrary, all (5) component brigades of the SSNA remain within the legal fold.

The report mentioned the withdrawal of the funding pledges by the Global Fund while ignoring the fact that this action was politically motivated. The recipient of funding from the Global Fund with regard to Myanmar is not the Government but the United Nations Development Programme (UNDP). It should be noted that UNDP has been successfully implementing its Human Development Initiative (HDI) in Myanmar under the same operational environment.

The claim in the report that "Conflict has also escalated along the Myanmar-Bangladesh border" cannot be farther from the truth. Myanmar and Bangladesh maintain close, cordial and peaceful relations. The report exceeded its mandate when it attempts to evaluate the socio-economic policies of the Government and "risk of a humanitarian crisis", based on fundamentally flawed hypotheses. It exceeded its mandate and became prescriptive when it advocated a number of steps to be implemented within the early part of 2006. These steps remain the sole prerogative of the sovereign Government of Myanmar.

The Secretariat issues hundreds of reports and I fully understand that you personally are not in a position to verify all the details contained in a report. At the same time it is important for Member States that a report submitted to the General Assembly should be factual, objective and credible.

I would like to request that my letter be issued as a document of the General Assembly, under agenda item 71 (c): Human rights questions: human rights situations and reports of special rapporteurs and representatives.

(*Signed*) Kyaw Tint **Swe**
Permanent Representative

United Nations A/C.3/60/3

General Assembly

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28 October 2005

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Sixtieth session
Third Committee
Agenda item 71 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Letter dated 25 October 2005 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General

I have the honour to attach information regarding the cooperation of Belarus in the field of promotion and protection of human rights (see annex). I would appreciate it if you could circulate the present letter and its annex as a document of the General Assembly under agenda item 71 (b).

(*Signed*) Andrei **Dapkiunas**

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Annex to the letter dated 25 October 2005 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General

[Original: Russian]

International cooperation by the Republic of Belarus in the defence of human rights

For the promotion and defence of human rights, Belarus advocates constructive international cooperation based on the principles of mutual respect and partnership with equal rights.

In order to fulfil its international human rights obligations, the Government of Belarus takes advantage both of its national potential and of opportunities for cooperation with the international mechanisms for the defence of human rights.

Belarus participates in good faith in all the major international human rights treaties. In 2004, it ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, thus recognizing the competence of the Committee to consider communications submitted by individuals.

Belarus participates actively as regards the special procedures mandates of the United Nations Commission on Human Rights. At the invitation of the Government of Belarus, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A. Hussein, visited Belarus in 1997. The recommendations made in his report were taken into account by Belarus when amending the Media Act. The Special Rapporteur on the independence of judges and lawyers, P. Cumaraswamy, visited the country in 2000.

In 2004, the Working Group on Arbitrary Detention of the Commission on Human Rights visited Belarus at the invitation of the Government. It noted the high level of cooperation with the Government during its visit, as well as the efforts made by the authorities to improve the judicial system and legislation, and said that the situation regarding the right of asylum in Belarus was one of the best in the world, compared with the situation in other countries.

Belarus is continuing its constructive cooperation with regard to the special procedures mandates of the Commission on Human Rights and is considering the possibility of inviting some of the holders of such mandates to visit Belarus.

The Government of Belarus is cooperating productively with the Minsk Office of the Organization for Security and Cooperation in Europe. In 2003-2004, 21 projects were carried out within the context of this cooperation, and in 2005 coordination with the Office made it possible to develop 10 additional projects. These projects cover various areas, in particular human rights education, reform of the penalty application regime and assistance for the promotion of dialogue between religions and religious pluralism.